



## Senate

General Assembly

January Session, 2009

**File No. 722**

Senate Bill No. 1136

*Senate, April 20, 2009*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### ***AN ACT CONCERNING CLAIMS AGAINST THE STATE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-158 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage and*  
3 *applicable to claims filed prior to, on or after said date*):

4 (a) The Claims Commissioner may (1) order that a claim be denied  
5 or dismissed, (2) order immediate payment of a just claim in an  
6 amount not exceeding seven thousand five hundred dollars, (3)  
7 recommend to the General Assembly payment of a just claim in an  
8 amount exceeding seven thousand five hundred dollars, or (4)  
9 authorize a claimant to sue the state, as provided in section 4-160.

10 (b) Any person who has filed a claim for more than seven thousand  
11 five hundred dollars may request the General Assembly to review a  
12 decision of the Claims Commissioner (1) ordering the denial or  
13 dismissal of the claim pursuant to subdivision (1) of subsection (a) of  
14 this section, including denying or dismissing a claim that requests

15 permission to sue the state, or (2) ordering immediate payment of a  
16 just claim in an amount not exceeding seven thousand five hundred  
17 dollars pursuant to subdivision (2) of subsection (a) of this section. A  
18 request for review shall be in writing and filed with the Office of the  
19 Claims Commissioner not later than twenty days after the date the  
20 person requesting such review receives a copy of the decision. The  
21 filing of a request for review shall automatically stay the decision of  
22 the Claims Commissioner.

23 (c) The Claims Commissioner shall submit each claim for which a  
24 request for review is filed pursuant to this section to the General  
25 Assembly pursuant to section 4-159.

26 (d) If the Claims Commissioner orders immediate payment of a just  
27 claim in an amount not exceeding seven thousand five hundred dollars  
28 pursuant to subdivision (2) of subsection (a) of this section and a  
29 request for review is not timely filed pursuant to subsection (b) of this  
30 section, the clerk of the Office of the Claims Commissioner shall  
31 deliver to the Comptroller a certified copy of the Claims  
32 Commissioner's order and the Comptroller shall make payment from  
33 such appropriation as the General Assembly may have made for the  
34 payment of claims or, in the case of contractual claims for goods or  
35 services furnished or for property leased, from the appropriation of the  
36 agency which received such goods or services or occupied such  
37 property.

38 (e) Whenever the Claims Commissioner deems it just and equitable,  
39 the Claims Commissioner may, at any time prior to the submission of a  
40 claim to the General Assembly pursuant to subsection (a) of section 4-  
41 159, vacate the decision made pursuant to subsection (a) of this section  
42 and undertake such further proceedings in accordance with this  
43 chapter as the Claims Commissioner may, in his or her discretion,  
44 deem appropriate.

45 ~~[(e)]~~ (f) Not later than five days after the convening of each regular  
46 session, the Claims Commissioner shall report to the General  
47 Assembly on all claims decided pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to claims filed prior to, on or after said date</i>	4-158

**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Claims Comr., Off.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill allows the Claims Commissioner to vacate any decision he has made and take whatever additional proceedings he deems appropriate prior to submitting the claim to the legislature and has no fiscal impact.

**OLR Bill Analysis****SB 1136*****AN ACT CONCERNING CLAIMS AGAINST THE STATE.*****SUMMARY:**

This bill authorizes the claims commissioner, whenever he deems it to be just and equitable, to vacate any decision he has made and take whatever additional proceedings he deems appropriate. The bill allows the commissioner to do so at any time before he submits the claim to the legislature.

The bill specifies that it applies to claims filed before the bill's effective date as well as claims filed on or after its effective date.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Claims Commissioner***

By law the claims commissioner hears and determines all claims against the state except (1) claims for the periodic payment of disability, pension, retirement, or other employment benefits; (2) claims upon which suit otherwise is authorized by law, including suits to recover similar relief arising from the same set of facts; (3) claims for which an administrative hearing procedure otherwise is established by law; (4) requests by political subdivisions of the state for the payment of grants in lieu of taxes; and (5) claims for tax refunds (CGS § 4-142).

The law authorizes the claims commissioner to:

1. order that a claim be denied or dismissed,
2. order immediate payment of a just claim in an amount up to \$7,500,

3. recommend to the General Assembly payment of a just claim in an amount exceeding \$7,500, or
4. authorize a claimant to sue the state.

By law, upon the discovery of new evidence, any claimant aggrieved by an order of the claims commissioner rejecting or recommending the rejection of his or her claim, in whole or in part, may apply for rehearing (CGS § 4-156).

Anyone who has filed a claim for more than \$7,500 may ask the General Assembly to review a decision of the claims commissioner ordering (1) the denial or dismissal of the claim or (2) immediate payment of a claim in an amount up to \$7,500. The claims commissioner must submit to the General Assembly (1) each claim for which a request for review is filed, and (2) all claims for which he recommended payment of a just claim in an amount exceeding \$7,500.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    42    Nay   0    (03/31/2009)